



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,730	01/18/2000	Bartfeld Eyal	2000-001	1034

23521 7590 02/03/2003

SALTAMAR INNOVATIONS  
30 FERN LANE  
SOUTH PORTLAND, ME 04106

EXAMINER

BROWN, RUEBEN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/03/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/484,730

Applicant(s)

EYAL, BARTFELD

Examiner

Brown M. Reuben

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 11 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 73-134 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 73-134 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Art Unit: 2611

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 107-110 & 112-134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krisbergh (U.S. Pat # 5,999,970) in view of Chan (U.S. Pat # 6,374,215).

Considering amended claims 107, 113, 123, 125 & 129, Krisbergh teaches a user sending and receiving e-mail messages over a digital TV network, see col. 3, lines 5-26 & col. 5, lines 10-25. The claimed TV messaging gateway reads on disclosure in Krisbergh of an information source 60, such as an Internet provider, local at a CATV headend 34, which stores and forwards e-mail messages to the users of the system, col. 4, lines 57-65 & col. 5, lines 40-65.

Art Unit: 2611

As for the additionally claimed feature of using a telephone to input commands to the TV messaging gateway, Krisbergh discloses using a keyboard 58, and optionally a remote control device having directional buttons or a TV remote control device, col. 8, lines 50-65. However, Krisbergh does not discuss using a telephone device to input commands to control the system. Nevertheless, Chan provides such a teaching, Abstract & col. 4, lines 49-67. Chan is an appropriate reference, since it is the same field of endeavor as Krisbergh, i.e., teaching transmission/reception of e-mail messages to recipients, being displayed on a TV set. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh by using a telephone handset to send control codes, at least for the desirable benefit of combining the functions of a telephone and remote control device, as taught by Chan, col. 5, lines 49-61.

Considering claims 108-110, 114-118, 120-122, 126-128 & 130-131, Chan teaches that the user premise equipment includes a portable unit 80 or conventional telephone/mobile unit for dictating a voice message, which is automatically packaged as an e-mail and transmitted to the appropriate recipient; see col. 4, lines 18-48.

Considering claims 112 & 132-134, the TV messaging gateway of Krisbergh & Chan is located within an Internet server and necessarily includes a computer readable medium containing software that controls its operation.

Considering claim 119, Official Notice is taken that a graphical display on a user TV indicating the progress of the execution or playback of an application was well known at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Krisbergh with the known feature of visually indicating

Art Unit: 2611.

to a user the progress of an application, at least for the desirable benefit assisting the subscriber in programming selection.

Considering claim 124, Official Notice is taken that at the time the invention was made, it was known in the art to upload audio/video messages from a subscriber to a central database for recording. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Krisbergh & Chan, with the known technique of uploading audio/video data from a subscriber, for transmission to another subscriber, at least for the desirable benefit of reducing the amount of processing necessary at the originating subscriber's premise.

Considering claim 128, Chan meets the claimed feature of notifying the user upon receipt of a message; see col. 4, lines 15-17.

4. Claims 73-83, 85-104, 106 & 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, (U.S. Pat # 6,002,394), in view of Krisbergh, (U.S. Pat # 5,999,970).

Considering claim 73, the claimed TV messaging gateway for handling messages having a central location connected to a video downstream network constructed to carry video signals and distribute the signals to a plurality of terminals connected thereto, such that the terminals selectively display the video signals on a TV screen, and an upstream network capable of delivering user input signals from a remote location to the central location, is met by the disclosure of Schein, (Fig. 19A-19C). Schein discloses transmitting E-mail messages to users within a CATV network; see col. 23, lines 18-24.

Art Unit: 2611

The additional recitation of the TV messaging gateway operating in conjunction with a messaging server that stores and forwards messages and comprises a message control interface, which is coupled to the messaging server for controlling at least one message therein, in that the message has address information associated with it, corresponding to at least one user, also reads on the operation of Schein. However, Schein does not explicitly state that the messages are accessed through a centralized location. Nevertheless, Krisbergh provides such a disclosure, (col. 5, lines 51-56). The instant reference teaches that users access their e-mail messages using the CATV network, which accesses an applications server 68, (col. 4, lines 64-66; col. 5, lines 15-35), which utilizes the conventional arrangement of a server that receives and stores e-mail messages, until the addressed user makes a request for the instant e-mail message.

It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Schein with the teachings of Krisbergh, utilizing the store and forward technique, at least for the desirable improvement of conserving memory at the user's site. The e-mail messages in both Schein & Krisbergh necessarily comprise address information for one or more recipients.

The claimed video output module for generating video signals corresponding to the message, whereas the module is adapted for coupling to the downstream network for distributing the video signal to the plurality of addressable terminals is met by Krisbergh, (Fig. 1). The claimed input device interface adapted to connect to the upstream network for receiving user input signals and means for directing the message for the message between the message control interface and the video output module is met by Krisbergh, col. 8, lines 41-62 & col. 9, lines 18-30.

Art Unit: 2611

Considering claim 74, see Krisbergh col. 5, lines 52-56.

Considering claims 75 & 82, see Schein col. 23, lines 32-36.

Considering claim 76, the claimed feature reads on the combination of Schein & Krisbergh, since Schein at least enables text and voice mail.

Considering claim 77, the feature is consistent with Schein & Krisbergh.

Considering claims 78 & 80, this feature is met by the technology of Schein & Krisbergh (col. 8, lines 62-64).

Considering claim 79, see Schein, (col. 23, lines 30-36 & Krisbergh (col. 8, lines 51-68).

Considering claim 81, the claimed speech recognition technology is necessarily included in Schein.

Considering claim 83, both Schein (col. 23, lines 21-23) & Krisbergh (Fig. 1) use the Internet.

Considering claims 85-91, 94-100, 102-104, 106, Schein (col. 6, lines 34-40; col. 23, lines 19-36) & Krisbergh (col. 5, lines 40-67; col. 9, lines 18-35) disclose all subject matter.

Considering claim 92, Official Notice is taken that a graphical display on a user TV indicating the progress of the execution or playback of an application was well known at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Schein with the known feature of visually indicating to a user the progress of an application, at least for the desirable benefit assisting the subscriber in programming selection.

Considering claim 93, the claimed TV gateway for handling messages that correspond with subject matter mentioned above in the rejection of claim 73, are likewise analyzed.

Art Unit: 2611

Schein meets the additionally claimed feature of a voice input, col. 23, lines 32-36.

Considering claim 101, the claimed TV gateway for handling messages that correspond with subject matter mentioned above in the rejection of claim 73, are likewise analyzed.

Considering claim 111, the TV messaging gateway of Schein is located within an Internet server and necessarily includes a computer readable medium containing software that controls its operation.

5. Claims 84 & 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein & Krisbergh, in view of Krisbergh, (U.S. Pat # 5,138,649), hereinafter referred to as Krisbergh '649.

Considering claims 84 & 105, Schein teaches a microphone, but not attached to a remote control device. However, Krisbergh '649 discloses such a technique, (Fig. 1; col. 3, lines 50-60). It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Schein with the teachings of Krisbergh '649, combining a telephone and remote control, at least for the known improvement of reducing the number of user input devices.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

- A) Handelman, Boyer     General E-mail in a CATV system.
- B) Bulge                     E-mail, with additional features, such as voice and video.
- C) Miyamoto, Logan     Uploading audio/video to central server, addressed distribution.
- D) Irribarren, Checco, Dawson, Krueger     System supporting multiple E-mail formats, including audio/video.



Art Unit: 2611

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600